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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES****Attorney's Docket No.:**
BAL6019P0281US**In Re Application Of:** Scott Trees**Serial Number:** 09/817,449 **Filed:** 3/26/01**For:** Interspecific Lobelia Plant**Group Art Unit:** 1661 **Examiner:** S.B. McCormick

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant hereby appeals to the Board of Appeals and Interferences from the decision of the Examiner dated 6/17/03, rejecting claims 4-17.

The item(s) checked below are appropriate.

1. ☐ Applicant claims small entity status. (See 37 CFR 1.27.)
☐ A Statement Claiming Small Entity Status is enclosed.
 2. ☒ Appeal fee (37 CFR 1.17(b))
☒ Large Entity - \$320.00 ☐ Small Entity - \$160.00
 3. ☐ A petition and fee for an extension of time for reply to the rejection is enclosed.
☐ Large Entity
☐ \$110.00 ☐ \$410.00 ☐ \$930.00 ☐ \$1,450.00
☐ Small Entity
☐ \$55.00 ☐ \$205.00 ☐ \$465.00 ☐ \$725.00
 4. ☐ A check for the amount of \$320.00 is enclosed.
 5. ☐ Please charge the fee(s) to Deposit Account Number 23-0785. A duplicate copy of this sheet is attached.
 6. ☒ Please charge any additional fee(s), or credit any overpayment, to Deposit Account Number 23-0785. A duplicate copy of this sheet is enclosed.
- I am: ☐ applicant.
☐ assignee of record of the entire interest.
☒ attorney or agent of record
☐ attorney or agent acting under 37 C.F.R. 1.34(a).

Lisa V. Mueller, Reg. No. 38,978

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CERTIFICATE OF MAILING

I hereby certify that this document and fee is being deposited with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **September 15, 2003**.

Barbara Tom



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